

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MELVIN SHELTON,

Plaintiff,

v.

Case No. 15-cv-766

DEPARTMENT OF VETERAN AFFAIRS,
Defendant.

ORDER

Pro se plaintiff Melvin Shelton filed this action against defendant the Department of Veteran Affairs alleging that defendant improperly withheld his veteran benefits. Defendant filed a motion to dismiss, but shortly after plaintiff filed his own motion to dismiss, asking that I dismiss his case without prejudice due to mental health issues and to give him an opportunity to exhaust administrative remedies. Defendant has not objected; therefore, I will grant plaintiff's motion to dismiss without prejudice. See Fed. R. Civ. P. 41(1)(2).

THEREFORE, IT IS ORDERED that plaintiff's motion to dismiss without prejudice (ECF No. 8) is **GRANTED**.

IT IS FURTHER ORDERED that defendant's motion to dismiss (ECF No. 4) is **DENIED** as moot.

IT IS FURTHER ORDERED that plaintiff's motion for default judgment (ECF No. 7) is **DENIED** as moot.

Dated at Milwaukee, Wisconsin, this 25th day of November, 2015.

s/ Lynn Adelman

LYNN ADELMAN
District Judge